

SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE
MATTHEW E. McMILLAN,

SC CASE NO.:95,886
CASE NO.: 00-703

99-10 and No. 00-17

/

MOTION TO CORRECT SCRIVENER'S ERROR

Matthew E. McMillan, Esquire
Fla. Bar No. 0928630
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Bradenton, FL 34203
941/751-0475

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The Respondent herein, Matthew E. McMillan, respectfully moves pursuant to Rule 9.210 and 9.330, Fla. R. App.P., that the Court correct a scrivener's error as to his Rebuttal Brief filed with the Court on or about March 26, 2001.

1. The last line (line 21) of page 2 references testimony located in **Appendix L**, and states, "In addition to the undisputed information and threats conveyed by Sharff (**App. L**: T. 124-5, 890-5), the following is of record:..."
2. The last line (line 21) of page 2 should reference testimony located in **Appendix B**, not Appendix L, and therefore should state, "In addition to the undisputed information and threats conveyed by Sharff (**App. B**: T. 124-5, 890-5), the following is of record:..."
3. Proper labeling of this section of the Appendix on page 2 of the Judge McMillan's Rebuttal Brief should aid the Court in the reconsideration of its findings concerning Charge 3, and the Court's conclusions on page 25 that

Judge McMillan's assertions that he, his family, and others were subjected to pressure, intimidation and threats had "no basis in fact."

4. Proper labeling of this section of the Appendix on page 2 should aid the Court in its reconsideration of whether to affirm its previous position in *In re Davey*, 645 So. 2d 398 (Fla. 1994) and *In re Norris*, 581 So. 2d 578 (Fla. 1991), where the Florida Supreme Court held that personal crisis', the influence of outside acts, and isolated incidents, are all relevant in their decision to discipline a judge if an allegation is sustained.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court correct the Scrivener's Error on page 2 of Judge McMillan's Rebuttal Brief.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Marvin E. Barkin, Esq., 101 E. Kennedy Blvd., Suite 2700, Tampa, FL 33602, via U.S. Mail to John Beranek, Esq., 227 S. Calhoun St., Tallahassee, FL 32301, via U.S. Mail to Thomas C. McDonald, Jr., 100 N. Tampa Street, Suite 2100, Tampa, FL 33602, via U.S. Mail to Lance C. Scriven, Esq., 633 N. Franklin St., Suite 600, Tampa, FL 33602 via U.S. Mail to Brooke Kennerly, Florida Judicial Qualifications Commission, Room 102, The Historic Capitol, Tallahassee, FL 32399 and via Hand Delivery to the Florida Supreme Court, Supreme Court Clerk=s Office, 500 S. Duval Street, Tallahassee, FL 32399-1927, this 24th day of September, 2001.

Respectfully Submitted,

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LEVINE, HIRSCH, SEGALL & BRENNAN,
P.A.

By: _____

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